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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,732	11/19/2001	Avi J. Ashkenazi	P2730P1C57	2430
35489	7590	11/01/2004	EXAMINER	
HELLER EHRMAN WHITE & MCAULIFFE LLP			JIANG, DONG	
275 MIDDLEFIELD ROAD			ART UNIT	
MENLO PARK, CO 94025-3506			PAPER NUMBER	
			1646	

DATE MAILED: 11/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/989,732

Applicant(s)

ASHKENAZI ET AL.

Examiner

Dong Jiang

Art Unit

1646

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 123-126, 129-131 and 135-138 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 124-126, 129-131 and 135-138 is/are allowed.
- 6) ☒ Claim(s) 123 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED OFFICE ACTION

Applicant's amendment filed on 06 August 2004 is acknowledged and entered. Following the amendment, the original claims 119-122, 127, 128 and 132-134 are canceled, and claims 123-126, 129 and 130 are amended.

Currently, claims 123-126, 129-131 and 135-138 are pending and under consideration.

Formal Matters:

Claim 123 is objected to as being dependent upon a canceled claim, claim 119. The applicant is required to amend the claims to read only upon the pending claims, or to be an independent claim. Omission of "of claim 119" would be remedial.

Withdrawal of Objections and Rejections:

All objections and rejections of claims 119-122, 127, 128 and 132-134 are moot as the applicant has canceled the claims.

The rejection of claims 123-126, 129-131 and 135-138 under 35 U.S.C. 112, second paragraph, as being indefinite is withdrawn in view of applicant's amendment.

The scope rejection, and the rejection for lack of written description of claims 123, 124, and 135-138 under 35 U.S.C. 112, first paragraph are withdrawn in view of applicant's amendment.

The prior art rejection of claims 135-137 under 35 U.S.C. 102(b) as being anticipated by Birren et al. (Locus AC016498, GenEmbl, 3/26/00) is withdrawn in view of applicant's amendments.

The prior art rejection of claim 138 under 35 U.S.C. 103(a) as being unpatentable over Birren et al. (Locus AC016498, GenEmbl, 3/26/00), and in view of Sibson et al. (WO94/01548) is withdrawn in view of applicant's amendment.

Rejections Over Prior Art:

Art Unit: 1646

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 123 is rejected under 35 U.S.C. 102(b) as being anticipated by Birren et al. (Locus AC016498, GenEmbl, 3/26/00).

Birren discloses a human nucleic acid, which comprises nucleotides 106-531 (the coding region) of SEQ ID NO:269 of the instant invention with more than 99% sequence similarity (one nucleotide mismatch, see computer printout of the search results). The cited sequence, therefore, anticipates claim 123 as being a nucleic acid having at least 99% sequence identity to a nucleic acid encoding the polypeptide of SEQ ID NO:270. The reference, therefore, anticipates the claim.

Conclusion:

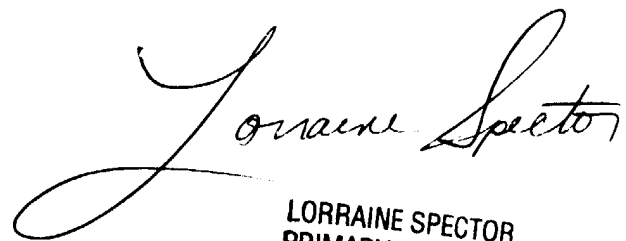
Claims 124-126, 129-131 and 135-138 are allowable.

Art Unit: 1646

Advisory Information:

Any inquiry concerning this communication should be directed to Dong Jiang whose telephone number is 571-272-0872. The examiner can normally be reached on Monday - Friday from 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brenda Brumback, can be reached on 571-272-0961. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


LORRAINE SPECTOR
PRIMARY EXAMINER

Dong Jiang, Ph.D.
Patent Examiner
AU1646
10/27/04

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TITLE
JOURNAL
COMMENT
Direct Submission
Submitted (01-DEC-1999) Whitehead Institute/MIT Center for Genome
Research, 320 Charles Street, Cambridge, MA 02141, USA
On Mar 26, 2000 this sequence version replaced g1:6957839.
All repeats were identified using RepeatMasker:
Smit, A.F.A. & Green, P. (1996-1997)
http://ftp.genome.washington.edu/RM/RepeatMasker.html
----- Genome Center -----
Center: Whitehead Institute/ MIT Center for Genome Research
Center code: WIBR
Web site: http://www-seq.wi.mit.edu
Contact: sequence_submissions@genome.wi.mit.edu
----- Project Information -----
Center project name: L2980
Center clone name: 3_P 4
----- Summary Statistics -----
Sequencing vector: M13; M7815; 100% of reads
Chemistry: Dye-terminator Big Dye; 100% of reads
Assembly program: Phrap; version 0.960731
Consensus quality: 175642 bases at least Q40
Consensus quality: 179258 bases at least Q30
Consensus quality: 180642 bases at least Q20
Insert size: 170000; agarose-fp
Insert size: 181765; sum-of-contigs
Quality coverage: 5.1 in Q20 bases; agarose-fp
Quality coverage: 4.8 in Q20 bases; sum-of-contigs
-----
* NOTE: This is a 'working draft' sequence. It currently
* consists of 11 contigs. The true order of the pieces
* is not known and their order in this sequence record is
* arbitrary. Gaps between the contigs are represented as
* runs of N, but the exact sizes of the gaps are unknown.
* This record will be updated with the finished sequence
* as soon as it is available and the accession number will
* be preserved.
*
*
1 1161: contig of 1161 bp in length
1162 1261: gap of 100 bp
1262 1289: contig of 1028 bp in length
1290 2390: gap of 100 bp
2390 3927: contig of 1538 bp in length
3928 4028: gap of 100 bp
4028 8438: contig of 4411 bp in length
8439 8539: gap of 100 bp
8539 20428: contig of 11890 bp in length
20429 20528: gap of 100 bp
20529 34082: contig of 13554 bp in length
34083 34182: gap of 100 bp
34183 48134: contig of 13952 bp in length
48135 48234: gap of 100 bp
48235 65638: contig of 17304 bp in length
65639 65638: gap of 100 bp
65639 85742: contig of 20104 bp in length
85743 85842: gap of 100 bp
85843 121253: contig of 35411 bp in length
121254 121354: gap of 100 bp
121354 182765: contig of 61412 bp in length.
Location/Qualifiers
1.182765
/organism="Homo sapiens"
source

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QY	244	TACCTGATGATGTCCCCCAACCCCTAAAGCCCCGATTCGCCCCCAAGCTGGGTGGTCAAGCT	303
Db	81334	TACCTAGATATGTCCCCCAACCTTAAGCCCCGATTCGCCCAAGGCTGGGTCAAGCT	81393
QY	304	GCTCATCTTAACACTCTTAATTGATGTGCTTAACCTGAGCCCCCAAGCCTGGGAGCC	363
Db	81394	GCTCATCTTAACACTCTTAATTGATGTGCTTAACCTGAGCCCCCAAGCCTGGGAGCC	81453
QY	364	AAGGTTTGTGTCCTGGGCAATGTTCAAGGTCAAGCTCTTCCCAAGTGAATC	423
Db	81454	AAGGTTTGTGTCCTGGGCAATGTTCAAGGTCAAGCTCTTCCCAAGTGAATC	81513
QY	424	ATGGAACAAAAAGGCAATCAAGAGAAATTAAATCATAGAGACCCAGAGGCCAG	483
Db	81514	ATGGAACAAAAAGGCAATCAAGAGAAATTAAATCATAGAGACCCAGAGGCCAG	81573
QY	484	CAGAAGCTGAACCTACGCCGAGCTTGAAGATGGTGCAGGTGTTGAAGTAACAG	543
Db	81574	CAGAAGCTGAACCTACGCCGAGCTTGAAGATGGTGCAGGTGTTGAAGTAACAG	81633
QY	544	TTTAAATGTTCAAGACATGGAATGGAATATTATTAAGCAAGACAGGACTTTGAA	603
Db	81634	TTTAAATGTTCAAGACATGGAATGGAATATTATTAAGCAAGACAGGACTTTGAA	81693
QY	604	TAAAGACAGGTGGGACTTTCCTCAAAAAACAAGTGAATTTCAACAATGAATATATTACG	663
Db	81694	TAAAGACAGGTGGGACTTTCCTCAAAAAACAAGTGAATTTCAACAATGAATATATTACG	81753
QY	664	GAGGTCAACCACTAACCAACACTGAAGGAGAGCT-GTGGTCTTGGTGGTCA	722
Db	81754	GAGGTCAACCACTAACCAACACTGAAGGAGAGCTGGTGGTGGTGGTCA	81813
QY	723	GTGGGCAAGGGTGAAGCGGTGATCATGTGCTTAACGAGGAGGTAATCTCCCAAC	782
Db	81814	GTGGGCAAGGGTGAAGCGGTGATCATGTGCTTAACGAGGAGGTAATCTCCCAAC	81873

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Center: joint Genome Institute
Center Code: JGI
Web site: http://www.jgi.doe.gov
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Project Information
Center Project Name: 1554882
Center clone name: RPCI-11_678B2
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Summary Statistics
Consensus quality: 185144 bases at least Q40
Consensus quality: 185845 bases at least Q30
Consensus quality: 186203 bases at least Q20
Estimated insert size: 175000; agarose-fp estimation
Estimated insert size: 187039; sum-of-contigs estimation

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